

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
AIR QUALITY TECHNICAL ADVISORY COMMITTEE MEETING

Thursday, January 23, 2014

MAG Office
Phoenix, Arizona

MEMBERS ATTENDING

- Philip McNeely, Phoenix, Chairman
- William Mattingly, Peoria, Vice Chair
- * Daniel Culotta, Avondale
- John Minear, Buckeye
- # Jim Weiss, Chandler
- # Jamie McCullough, El Mirage
- * Jessica Koberna, Gilbert
- Megan Sheldon, Glendale
- * Cato Esquivel, Goodyear
- Kazi Haque, Maricopa
- # Greg Edwards for Scott Bouchie, Mesa
- Tim Conner, Scottsdale
- Antonio DeLaCruz, Surprise
- Oddvar Tveit, Tempe
- * Youngtown
- Ramona Simpson, Queen Creek
- Walter Bouchard, American Lung Association of Arizona
- Kristin Watt, Salt River Project
- # Rebecca Hudson, Southwest Gas Corporation
- Ann Carlton, Arizona Public Service Company
- # Gina Grey, Western States Petroleum Association
- Robert Forrest, Valley Metro/RPTA
- * Dave Berry, Arizona Motor Transport Association
- * Jeannette Fish, Maricopa County Farm Bureau
- Steve Trussell, Arizona Rock Products Association
- * Claudia Whitehead, Greater Phoenix Chamber of Commerce
- # Amanda McGennis, Associated General Contractors
- * Spencer Kamps, Homebuilders Association of Central Arizona
- # Mannie Carpenter, Valley Forward
- # Kai Umeda, University of Arizona Cooperative Extension
- Joonwon Joo for Beverly Chenausky, Arizona Department of Transportation
- Diane Arnst, Arizona Department of Environmental Quality
- * Environmental Protection Agency
- Thomas Ekren, Maricopa County Air Quality Department
- Scott DiBiase, Pinal County
- Michelle Wilson, Arizona Department of Weights and Measures
- Ed Stillings, Federal Highway Administration
- * Judi Nelson, Arizona State University
- Stan Belone, Salt River Pima-Maricopa Indian Community

*Members neither present nor represented by proxy.

#Participated via telephone conference call.

+Participated via video conference call.

OTHERS PRESENT

- Lindy Bauer, Maricopa Association of Governments
- Matt Poppen, Maricopa Association of Governments
- Julie Hoffman, Maricopa Association of Governments
- Kara Johnson, Maricopa Association of Governments
- Dean Giles, Maricopa Association of Governments
- Patrick Shaw, Maricopa Association of Governments
- Cathy Arthur, Maricopa Association of Governments
- Taejoo Shin, Maricopa Association of Governments
- Randy Sedlacek, Maricopa Association of Governments
- Teri Kennedy, Maricopa Association of Governments
- Barbara Cenalmor, Salt River Project
- Lee Jimenez, Maricopa County Department of Transportation
- Sam Brown, City of Scottsdale
- Joe Gibbs, City of Phoenix
- Shane Kiesow, City of Apache Junction
- Ronald Pope, Maricopa County Air Quality Department
- John Rusinek, Citizen
- Dianne Barker, Citizen
- # Wendy Crites, Salt River Project

1. Call to Order

A meeting of the Maricopa Association of Governments (MAG) Air Quality Technical Advisory Committee (AQTAC) was conducted on January 23, 2014. Philip McNeely, City of Phoenix, Chair, called the meeting to order at approximately 1:30 p.m. Greg Edwards, City of Mesa; Gina Grey, Western States Petroleum Association; Jim Weiss, City of Chandler; Rebecca Hudson, Southwest Gas Corporation; Wendy Crites, Salt River Project; Mannie Carpenter, Valley Forward; Kai Umeda, University of Arizona Cooperative Extension; and Jamie McCullough, City of El Mirage, attended the meeting via telephone conference call.

Chair McNeely indicated that copies of the handouts for the meeting are available. He noted for members attending through audio conference, the presentations for the meeting will be posted on the MAG website under Resources for the Committee agenda, whenever possible. If it is not possible to post them before the meeting, they will be posted after the meeting.

2. Call to the Audience

Chair McNeely stated that according to the MAG public comment process, members of the audience who wish to speak are requested to fill out comment cards, which are available on the tables adjacent to the doorways inside the meeting room. Citizens are asked not to exceed a three minute time period for their comments. Public comment is provided at the beginning of the meeting for nonagenda items that fall under the jurisdiction of MAG and nonaction agenda items. Chair McNeely noted that two public comment cards had been received.

Chair McNeely called forward Dianne Barker for public comment. Ms. Barker stated that she lives in Phoenix and she rode her bicycle to the meeting. Ms. Barker indicated that she saw Chair McNeely at a City of Phoenix bicycle meeting. She commented that she appreciates the work done to keep particulates out of the air to protect children. Ms. Barker noted that she was once a bus driver and that busses without particulate traps are dangerous for children's health. She mentioned older adults being affected by leaf blowers in their community. Ms. Barker discussed that Arizona needs to increase sweeping as opposed to using leaf blowers. She commented on the particulate matter plan submitted to the Environmental Protection Agency (EPA). Ms. Barker referred to information from the previous AQTAC meeting that discussed construction in Pinal County, unpaved roads, and increased unpaved roads due to lot splitting. She indicated that the region needs to reduce more than five percent of particulates. Ms. Barker stated that she does plan to continue living in the area and riding her bicycle. She commented that others who are using public transit are models. Ms. Barker commented that judges need to enforce anti-litter laws, especially to eradicate cigarette butts from getting into the water table. She thanked the Committee.

Chair McNeely called forward John Rusinek for public comment. Mr. Rusinek stated that he is speaking on a non-dustproofed driveway in Phoenix. He commented that the City has not fixed the problem despite a City ordinance addressing non-dustproof areas. Mr. Rusinek met with City representatives from Zoning and Neighborhood Services to discuss the non-dustproofed driveway. He played a recording of a portion of that meeting. Mr. Rusinek passed around pictures of the non-dustproofed driveway. He commented that a rock company stated that the rock that was previously laid was decorative rock and will not settle. Mr. Rusinek stated that there is 13 feet of driveway that is not dustproofed. Chair McNeely thanked Mr. Rusinek for his comments.

3. Approval of the December 3, 2013 Meeting Minutes

The Committee reviewed the minutes from the December 3, 2013 meeting. John Minear, City of Buckeye, moved and Steve Trussell, Arizona Rock Products Association, seconded, and the motion to approve the December 3, 2013 meeting minutes carried unanimously.

4. Update on the MAG 2012 Five Percent Plan for PM-10 and Exceptional Events

Lindy Bauer, Maricopa Association of Governments, provided an update on the MAG 2012 Five Percent Plan for PM-10 and exceptional events. She stated that the MAG 2012 Five Percent Plan for PM-10 was prepared through a collaborative effort with the Arizona Department of Environmental Quality (ADEQ), Maricopa County Air Quality Department, Arizona Department of Transportation, and MAG. The Plan includes a wide variety of existing control measures and projects to reduce PM-10, as well as, a new measure to control PM-10 during high risk conditions, such as high winds. Ms. Bauer indicated that MAG has been tracking the Environmental Protection Agency's progress to take approval action on the Plan.

Ms. Bauer presented the timeline of the MAG 2012 Five Percent Plan for PM-10. On May 23, 2012, the MAG Regional Council adopted the Plan, which was then submitted to EPA. Ms. Bauer indicated that on July 20, 2012, the EPA completeness determination on the Plan stopped the 18 month and 24 month sanctions clocks. On April 19 and August 23, 2013, EPA proposed approval of several statutes for measures in the Plan. Ms. Bauer noted that on April 30, 2013, the Arizona Center for Law in the Public Interest filed a lawsuit against EPA for not acting on the Plan by the deadline. She stated that on July 1, 2013, EPA completed its review of the 2011-2012 exceptional events documentation. EPA concurred with 17 of the 18 packages submitted by ADEQ; EPA took no action on one of the packages. Ms. Bauer mentioned that this was a major milestone because this was the first high wind exceptional events package approved by EPA. On August 28, 2013, EPA proposed a consent decree to address the Arizona Center for Law in the Public Interest lawsuit against EPA for not acting on the Plan. In the consent decree, EPA agreed to propose action by January 14, 2014 to either approve the Plan, promulgate a federal implementation plan, or approve the Plan in part with promulgation of a partial federal implementation plan. In addition, EPA agreed to finalize action by June 2, 2014. Ms. Bauer indicated that on December 3, 2013, EPA published a notice of final approval for several statutes for measures in the Plan. She stated that on December 5, 2013, EPA also published an adequacy determination for the PM-10 motor vehicle emissions budget for conformity purposes.

Ms. Bauer stated that on January 14, 2014, EPA signed a notice to propose full approval of the MAG 2012 Five Percent Plan for PM-10. Ms. Bauer reported that specifically EPA proposed approval of the following: 2008 baseline emissions inventory and the 2007, 2009, 2010, 2011, and 2012 projected emission inventories; modeled attainment demonstration; five percent reduction in emissions demonstration; reasonable further progress and quantitative milestone demonstrations; contingency measures; motor vehicle emissions budget; and a determination that the Maricopa County nonattainment area has met the PM-10 standard based upon three years of clean data for 2010-2012. EPA intends to finalize action on the Plan by June 2, 2014. A 30 day comment period will occur once the Federal Register notice is published. Ms. Bauer stated that she would like to thank every single member of the AQTAC for all their hard work in preparing the 2012 Five Percent Plan for PM-10, as well as, the private sector, agriculture, and the jurisdictions for their work to prevent PM-10 exceedances.

Ms. Bauer discussed the aggressive prevention activities to achieve three years of clean monitoring data. She stated that the prevention activities greatly contributed to the success of the Plan. Ms. Bauer summarized some of the prevention activities. The City of Phoenix established a Dust Reduction Task Force involving several City departments that created short and long term goals. MAG produced a PM-10 prevention video used to both educate and train city, County, and private sector staff. Maricopa County provides near real time monitor data with \$90,000 of funding provided by the MAG Regional Council. Ms. Bauer added that a network was established to prevent PM-10 exceedances region-wide that included the public and private sector; this network was called the Maricopa County Rapid Response Program. She noted that Maricopa County coordinates with MAG member agencies to avoid duplication of enforcement and the investigation of sources. The MAG member agencies developed customized Rapid Response Action Plans to be implemented on a local level to prevent exceedances based on a MAG template and tool kit. Ms. Bauer indicated that the cities and towns working cooperatively with Maricopa County led to the success of preventing exceedances. MAG conducted and will continue to conduct PM-10 Prevention Workshops with local governments, Maricopa County, and ADEQ. In addition, ADEQ sends out the Maricopa County Dust Control Action Forecast five days in advance that alerts when high risk conditions may be approaching. Business, industry, and agriculture associations notify members when high winds are forecasted. Ms. Bauer stated that these prevention activities were absolutely critical to the success of the MAG Five Percent Plan for PM-10.

Ms. Bauer presented the next steps for the Plan. She discussed that EPA needs to take final approval action on the Five Percent Plan by June 2, 2014 to avoid imposing a federal implementation plan. Ms. Bauer mentioned that the aggressive prevention efforts must continue because clean data at the monitors and throughout the region must be maintained. Once EPA finalizes the approval action, MAG will begin work on a Redesignation Request and Maintenance Plan for PM-10.

Ms. Bauer indicated that EPA's Exceptional Events Rule (EER) and process still needs to be streamlined. EPA anticipates proposing rule revisions by April 2014 with final revisions in April 2015. Ms. Bauer stated that it is important to keep the exceptional events issue on the forefront since the region may continue to experience dust storms, haboobs, and microbursts that are beyond control. EPA has made some improvements to the EER, however EPA acknowledges that the EER requires additional streamlining. Ms. Bauer noted that the exceptional event documentation is very resource intensive. She reported that EPA worked with the region on streamlining some of the exceptional event packages; however, more work needs to be done.

Ms. Bauer indicated that there were six exceptional event days in 2013. MAG staff has been working with ADEQ and Maricopa County on the exceptional events documentation. MAG staff has prepared five out of the six of the exceptional event packages that are currently out for public review. ADEQ is accepting comments on the exceptional event documentation through February 11, 2014. Ms. Bauer thanked the Committee for all of their work on the MAG 2012 Five Percent Plan for PM-10.

William Mattingly, City of Peoria, thanked ADEQ, Maricopa County, and MAG staff for their work on the Plan and exceptional events. He commented on the resource intensive nature required for the exceptional event packages. Chair McNeely thanked MAG and the members of the AQTAC for their work on the Plan. He stated that this is a major milestone for the region. Chair McNeely thanked Ms. Bauer for the update.

5. Evaluation of Proposed PM-10 Certified Street Sweeper Projects for FY 2014 CMAQ Funding

Dean Giles, Maricopa Association of Governments, presented the evaluation of proposed PM-10 Certified Street Sweeper Projects for Fiscal Year (FY) 2014 Congestion Mitigation and Air Quality Improvement (CMAQ) funding. The deadline for submitting projects applications was November 22, 2013. The FY 2014 Unified Planning Work Program and Annual Budget and FY 2011-2015 MAG Transportation Improvement Program contain \$900,000 in FY 2014 CMAQ funding to encourage the purchase and utilization of PM-10 certified street sweepers. An additional \$330,599 in CMAQ is available for FY 2014 street sweeper purchases. Mr. Giles stated that under the programming process the MAG Street Committee is required to review the street sweeper applications. The MAG Street Committee met on December 10, 2013 and January 14, 2014. Mr. Giles noted that comments made by the MAG Street Committee are provided in the agenda materials. MAG staff applied the CMAQ methodologies using the data supplied by the project applications to calculate the PM-10 emission reductions shown in the table as kilograms per day and cost-effectiveness shown in the table as CMAQ dollar cost per annual metric ton of PM-10 reduced. Overall 13 projects requesting \$2.7 million in federal funds were evaluated. Mr. Giles noted that the projects are displayed with the PM-10 emissions reductions in descending order of cost-effectiveness. He indicated that six projects could be funded with the CMAQ funds currently available. The MAG AQTAC is requested to recommend a prioritized list of proposed PM-10 Certified Street Sweeper Projects for FY 2014 CMAQ Funding to the MAG Management Committee.

Diane Arnst, Arizona Department of Environmental Quality, inquired why some projects have a higher ranking when additional staff has not been committed to support the project. Mr. Giles responded that some projects are for replacing existing street sweepers and do not require additional staff for the new sweeper. Ms. Arnst asked why Phoenix #1 project is seventh on the project list while it appears to be sweeping the same area as Phoenix #2 project with a different cost-effectiveness ranking. Mr. Giles replied that approximately \$60,000 is available to fund street sweeper project Phoenix #1 with a remaining balance of \$169,998. The prioritized list would be retained when the MAG Regional Council approves the list. Additional street sweeper projects on the list may be funded if additional funds become available. Ms. Arnst inquired if both Phoenix projects would be sweeping different sections of the same area. Mr. McNeely responded that one project has a higher cost-effectiveness ranking because it is a replacement sweeper for a street sweeper that is frequently down for repairs.

The Committee reviewed the prioritized list of proposed PM-10 Certified Street Sweeper Projects for FY 2014 CMAQ funding. Antonio DeLaCruz, City of Surprise, moved and Ramona Simpson, Town of Queen Creek, seconded, and the motion to recommend a prioritized list of Proposed PM-10 Certified Street Sweeper Projects for FY 2014 CMAQ funding to the MAG Management Committee carried unanimously.

6. Evaluation of Proposed Paving Unpaved Road Projects in the Pinal PM-2.5 Nonattainment Area for Fiscal Year 2014, 2015, 2016, and 2017 CMAQ Funding

Mr. Giles presented the evaluation of proposed Paving Unpaved Road Projects in the Pinal PM-2.5 Nonattainment Area for FY 2014, 2015, 2016, and 2017 CMAQ funds. He indicated that the Federal Moving Ahead for Progress in the 21 Century (MAP-21) Legislation requires that states utilize a portion of CMAQ funding to reduce PM-2.5 emissions in PM-2.5 nonattainment areas. Mr. Giles stated that the Arizona Department of Transportation has allocated CMAQ funding to MAG for

projects that reduce PM-2.5 in portions of the West Central Pinal County PM-2.5 nonattainment area. The planning boundaries of both MAG and the Sun Corridor Metropolitan Planning Organization (MPO) are located within the PM-2.5 nonattainment area. Mr. Giles presented a map displaying the West Central Pinal County PM-2.5 nonattainment area. Jurisdictions that could apply for funding included the City of Maricopa, Pinal County, and Pinal County for Casa Grande.

Mr. Giles discussed the Paving Unpaved Road Projects in the Pinal PM-2.5 Nonattainment Area. He stated that under the programming process the MAG Street Committee is required to review the project applications for completeness. The MAG Street Committee met on December 10, 2013 and January 14, 2014. Mr. Giles noted that comments made by the MAG Street Committee are provided in the agenda packet. He stated that MAG staff applied the CMAQ methodologies using the data supplied in the project applications to calculate the PM-2.5 emission reductions shown in the table as kilograms per day and cost-effectiveness shown in the table as CMAQ dollar cost per annual metric ton of PM-2.5 reduced. The combined amount of CMAQ funding available for programming is \$3.36 million, with the four projects requesting a total of \$3.33 million. Mr. Giles indicated that enough funding is available to fund all four projects. He added that together the four projects would pave five miles of unpaved roads. Mr. Giles stated that it is requested that the Paving Unpaved Road Projects in the Pinal PM-2.5 nonattainment area be forwarded to the MAG Transportation Review Committee.

Ms. Arnst inquired if the left over balance from the projects is available for carryover. Mr. Giles replied that page two of the MAG Street Committee handout provides a cost accounting of the funds available and how the funds would be carried over from year to year to fund projects. Mr. Giles commented that there is carryover displayed for FY 2014, 2015, 2016, and 2017.

Mr. Mattingly, moved, and Mr. Trussell, seconded, and the motion to forward the proposed Paving Unpaved Road Projects in the Pinal PM-2.5 Nonattainment Area for FY 2014, 2015, 2016, and 2017 CMAQ funding to the MAG Transportation Review Committee carried unanimously.

7. Update on the MAG 2014 State Implementation Plan Revision for the Removal of Stage II Vapor Recovery Controls

Matt Poppen, Maricopa Association of Governments, provided an update on the MAG 2014 State Implementation Plan (SIP) Revision for the Removal of Stage II Vapor Recovery Controls. Mr. Poppen stated that Arizona agencies participated in a conference call with EPA on November 15, 2013. EPA recommended following a Stage II removal schedule for new gasoline dispensing facilities beginning in 2014 and existing facilities after the 2016 ozone season. Mr. Poppen noted that a Stage II removal schedule that begins after the 2016 ozone season results in the smallest temporary emission increases of the scheduling options. He added that EPA requested that the statutory authority for Stage II removal be included with the SIP revision. Mr. Poppen stated that EPA prefers one SIP revision for both new and existing facilities. EPA indicated that they are unlikely to issue a federal enforcement discretion letter for the removal of Stage II controls. Lastly, Mr. Poppen noted that EPA indicated that emission offsets would not be necessary if the Stage II removal schedule that results in the smallest temporary emission increases was selected.

Mr. Poppen discussed a tentative schedule for the SIP revision. He indicated that the draft SIP revision will be completed within one week after the legislation is passed and available for inclusion. Mr. Poppen noted that this assumes no substantial changes to the legislation. Once the draft SIP revision

is completed, a notice of public hearing is advertised and the draft SIP revision will be available 30 days prior to the public hearing. A response to public comments received on the draft SIP revision will be necessary. Mr. Poppen mentioned that the MAG committee process, which will include MAG Regional Council adoption, will take approximately a month and a half. He indicated that the MAG submission of the SIP revision to ADEQ and EPA would occur within two days of the MAG Regional Council adoption. Mr. Poppen invited Michelle Wilson, Arizona Department of Weights and Measures, to discuss the Stage II legislation.

Ms. Wilson provided an overview of the proposed legislation at the Arizona State Legislature. She stated that House Bill (H.B.) 2128 has a reading scheduled for February 3, 2014. Ms. Wilson indicated that former statute, Arizona Revised Statute 41-2132 provided requirements for both Stage I and Stage II in Area A, Maricopa County area, and Area B, Tucson area. The revised legislation will add a section that is applicable to Stage II only that will retain Stage II provisions for existing Stage II systems. Ms. Wilson stated that the legislation will also add requirements to the Arizona Department of Weights and Measures to establish rules for decommissioning Stage II systems beginning October 1, 2016 through September 30, 2018. She noted that all sites are to be decommissioned by September 30, 2018 or the date approved by EPA in the SIP. New stations will be exempt from the installation of Stage II controls as of the effective date of the legislation. Ms. Wilson indicated that this was an important section of the legislation to stakeholders; Stage II equipment is expensive to install and remove. She noted that this section will automatically be repealed September 30, 2018. Ms. Wilson stated that H.B. 2128 is being run as an emergency bill; therefore, the legislation is effective immediately upon approval. Once the bill is passed, the SIP revision can move forward and new sites will not be required to install Stage II vapor recovery equipment.

Ms. Wilson discussed that H.B. 2128 maintains existing Stage I vapor recovery requirements. She indicated that the section has been modified that is applicable to both Stage I and II to remove references of Stage II. The statute will maintain requirements for the sales, installation, and use of California Air Resources Board certified Stage I vapor recovery systems and components. Ms. Wilson stated that sites in Areas A and B with a throughput greater than 10,000 gallons per month will be required to use Stage I when transferring gasoline into the storage tanks. She added that the bill will also maintain the installation, training, maintenance, and proper operations of Stage I in those areas. Ms. Wilson discussed that requirements for annual testing of Stage I equipment in Area A will be maintained. Area A has annual equipment testing for Stage II which tests the whole system, including Stage I equipment. H.B. 2128 will maintain the annual equipment testing for Stage I. Ms. Wilson indicated that the plan review and approval prior to installation and modification of equipment in Areas A and B will also be maintained. In addition, the definition of Stage I was updated to mirror the Federal definition while removing an outdated definition of vapor control system. Ms. Wilson mentioned that EPA had come out with new definitions and the definitions in the current statutes are outdated. She explained that the provisions have been modified that formally allowed cities, towns, and counties to opt into Stage II to now have the option for Stage I and/or Stage I testing. Additionally, she stated that this option was available for sites that are not able to meet air quality standards, so that they may opt into these requirements in an effort to reduce emissions. The provisions provide specific requirements for resolution approval, analysis by ADEQ, and rulemaking to implement the program, as well as, provisions for opting out. Ms. Wilson commented that the goal was to keep the present state of affairs. She indicated that throughout the sections of the statutes the language was modified to generic terms such as vapor recovery systems so that the language applies to both Stage I and Stage II for now and just Stage I once Stage II is decommissioned. Ms. Wilson thanked the Committee.

8. Call for Future Agenda Items

Chair McNeely requested suggestions for future agenda items. He indicated that the next meeting of the Committee has been tentatively scheduled for Thursday, February 27, 2014 at 1:30 p.m. With no further comments, the meeting was adjourned at approximately 2:15 p.m.